

REMARKS

Claims 1-17 are pending in the application.

Claims 1-17 are currently amended. Applicants respectfully submit that no new matter is added to currently amended claims 1-17.

Claims 1-17 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent Application Publication No. 2002/0111896 to Ben-Levy et al., hereinafter, Ben-Levy.

Applicants respectfully traverse the rejection based on the following discussion.

I. The 35 U.S.C. 102(b) Rejection as Anticipated by Ben-Levy

1. The Ben-Levy Disclosure

Ben-Levy discloses a system and method for computer trading of financial interests in which a user wishing to enter a responsive proposal to a posted proposed transaction is enabled to review posted transactions in several ways, and to create customized filters and viewing formats through the use of the "OFMV" command. (Paragraph [0105], which is cited by the Office Action).

Ben-Levy also discloses that a successfully entered responsive proposal is confirmed by the display of a suitable screen as shown in Fig. 27. By entering a command line 312 an appropriate selection from field 379, i.e., Choices, the user is enabled to view all of the user's own bids, or to cancel or correct the bid just entered. In preferred systems according to the invention a bid is correctable or cancelable at any time prior to two seconds before the designated auction. (Paragraph [0111], which is cited by the Office Action).

Ben-Levy further discloses that by entering at command line 312 one of line numbers 367 associated with a particular proposal as shown in Fig. 24, the user is offered options 421, as shown in Fig. 25, of entering a bid, viewing all current offerings for the selected security, viewing all historical offerings of the security, further analyzing the bond lot described in the offering through the use of the "DES" command, or analyzing the effective yield of an offered bond at a given price through the use of the "YAS" command. Optionally the bidder is enabled to see, in addition to those items described above and shown on Fig. 17, the seller's previous

auction score, or the relative frequency with which the seller has historically successfully completed sales of his or her offerings, or to enter other types of responsive proposals, as appropriate for the selected proposal. For example, selection of an auction proposal would result in presentation of options including entry of a responsive bid and, if applicable, a straight purchase offer. (Paragraph [0108], which is cited by the Office Action).

2. Arguments

Currently amended, independent claims 1, 5, 7, 11, 12, and 15-17 recite in relevant part, "if a first trading offer is not selected, invoking standalone bilateral negotiations, which stand apart from the trading mechanism, to arrive at customized trading offers, the standalone bilateral negotiations being invoked with the trading parties who submitted trading offers;

...

evaluating the attractive and feasible offer or the customized trading offers by a utility function based on multiple attributes of a traded good or a traded service, user-specified weights associated with the traded good or the traded service, and user-specified costs associated with the multiple attributes of the traded good or the traded service".

Ben-Levy merely discloses a method and system of trading financial interests by various trading mechanisms, including various types of auctions and straight buying/selling. If an attractive offer is not taken, in Ben-Levy, the user may re-enter the trading mechanism again. This re-entry is analogous to the loop, in Fig. 5 of the Specification, from element 503, i.e., "Does the user wish to execute trading mechanism? - Yes"; through elements 505, i.e., "Execute trading mechanism"; 507, i.e., "Does user wish to invoke bilateral negotiations? - No"; 511, i.e., "Are attractive and feasible trading offers arrives at? - No"; and re-entering the loop at 503 again. However, Ben-Levy does not offer a means to trade outside of the trading mechanism of auction and straight buying/selling.

In contrast, the present invention invokes standalone bilateral negotiations, which stand apart from the trading mechanism, for example, text documents between buyer and seller, that

may, for example, offer various trade-offs regarding attributes of the traded good or service.

Furthermore, the present invention describes the feature of "evaluating the attractive and feasible offer or the customized trading offers by a utility function based on multiple attributes of a traded good or a traded service, user-specified weights associated with the traded good or the traded service, and user-specified costs associated with the multiple attributes of the traded good or the traded service". Nowhere does Ben-Levy disclose, teach or suggest this feature of evaluation based on a utility function; instead, Ben-Levy discloses a method and system of trading financial interests by various trading mechanisms, including various types of auctions and straight buying/selling.

In addition, Applicants respectfully submit that the present invention encompasses the trading of financial interests disclosed by Ben-Levy and extend the trading to goods and services, which may require attributes that are not considered by Ben-Levy, for example, the color of a sweater to be purchased.

For at least the reasons outlined above, Applicants respectfully submit that Ben-Levy does not disclose, teach or suggest the present invention's claimed features of "if a first trading offer is not selected, invoking standalone bilateral negotiations, which stand apart from the trading mechanism, to arrive at customized trading offers, the standalone bilateral negotiations being invoked with the trading parties who submitted trading offers; ... evaluating the attractive and feasible offer or the customized trading offers by a utility function based on multiple attributes of a traded good or a traded service, user-specified weights associated with the traded good or the traded service, and user-specified costs associated with the multiple attributes of the traded good or the traded service". Accordingly, Ben-Levy does not anticipate the subject matter of currently amended, independent claims 1, 5, 7, 11, 12, and 15-17, and currently amended, dependent claims 2-4, 6, 8-10, 13, and 14 under 35 U.S.C. §102(b). Withdrawal of the rejection of claims 1-17 under 35 U.S.C. §102(b) as anticipated by Ben-Levy is respectfully solicited.

II. Formal Matters and Conclusion

Claims 1-17 are pending in the application.

With respect to the rejection of the claims over the cited prior art, Applicants respectfully argue that the currently amended claims are distinguishable over the prior art of record. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejection to the claims.

In view of the foregoing, Applicants submit that claims 1-17, all the claims presently pending in the application, are patentably distinct from the prior art of records and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest time possible.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,

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